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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/603,409 06/26/2000		Dirk V. Hoyns	B0762/7001	3130		
22832	7590	09/11/2003				
		LOCKHART LLP	EXAMI	EXAMINER		
75 STATE S' BOSTON, M		9-1808	HO, UY	HO, UYEN T		
				ART UNIT	PAPER NUMBER	
				3731		
				DATE MAILED: 09/11/2003	16	

Please find below and/or attached an Office communication concerning this application or proceeding.

1) ⊠ Responsive to communication(s) filed on <u>06 August 2003</u> . 2a) ☐ This action is FINAL. 2b) ⊠ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☒ Claim(s) <u>1-48</u> is/are pending in the application. 4a) Of the above claim(s) <u>6,14,15,24,25,30-34 and 40-43</u> is/are withdrawn from consideration. 5) ☒ Claim(s) <u>35 and 45</u> is/are allowed. 6) ☒ Claim(s) <u>1,2,4-13,16-23,26-29,36-39,44 and 46-48</u> is/are rejected. 7) ☒ Claim(s) <u>3</u> is/are objected to. 8) ☐ Claim(s) <u>—</u> are subject to restriction and/or election requirement.				_		V.K.					
### Examiner Art Unit 3731 ### ### ### ### ### ### ### ### ### #			Applica	ation No.	Applicant(s)						
Claim(s) 1-28 Sare pending in the application. A) Claim(s) 1-24-13.16-23.26-29.36-39.44 and 46-48 s/are rejected.	Office Action Summary			,409	HOYNS, DIRK V.						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherious for memple seriabilish under the provision of 3 CFR 1.136(s), in no event, however, may a reply be timely filled the proof of reply specified above is less than thirty (30) days, a reply whilen the studyor price with the period for reply specified above is less than thirty (30) days, a reply whilen the studyor will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply whilen the studyor will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply whilen the study period will reply and will lead possible (50) MONTHS from the making date of this communication. Finally whilen the set is extended period for reply will, vit admits, dated the application to become ARANCONED (30 U.S.C. § 139). Responsive to communication(s) filled on 06 August 2003. Status 1) Second this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-48 is/are pending in the application. 4) Of the above claim(s) 6-14.15.24,25.30.34 and 40-43 is/are withdrawn from consideration. 5) Claim(s) 3-6 and 45 is/are allowed. 6) Claim(s) 3-6 and 45 is/are allowed. 6) Claim(s) 3-6 and 45 is/are allowed. 7) Claim(s) 3-7 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 11) The proposed drawing correction filed on is/are: a) approved by the Examiner. If approved, corrected drawings are requ				er .	Art Unit						
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Examinations of lines may be available under the provisions of 37 CPR 1.138(s). In no event, however, may a reply be timely filed - Examination of lines may be available under the provisions of 37 CPR 1.138(s). In no event, however, may a reply be timely filed - Examination of the event year of the mailing and the state of the provision of the p			(Jackie)	Tan-Uyen T. Ho	3731	,					
THE MAILING DATE OF THIS COMMUNICATION. Edatesions of abore may be available under the provisions of 37 CPR 1.136(a). In or event, however, may a reply be timely filled of the SX (6) MONTHS from the maillaide of this communication. **ROPERION or early it specifies from the maillaide of this communication. **It NO periods for engly is questioned above, the maximum statiotry providing within the statistical provides of this provides of the provision of the pr			nication appears on t	he cover sheet with	the correspondence address						
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Application/Control Number: 09/603,409

Art Unit: 3731

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/6/2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claims 1, 2, 4-5, 7-13, 16-23, 26-29, 36-39, 44, 46-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Ley (6,231,599).

In regard to claim 1, Ley disclose a radially expandable intraluminal stent (fig. 14a) in the form of a generally tubular wall having open regions that define wall structure comprising: a plurality of nodes, each node having a central hub and only three arms extending from the hub, each arm being curved and circumscribing the hub and a segment of the next adjacent arm of that node and lying closely adjacent said arm segment (Examiner considers the limitation "lying closely" as in un-expansion state of the stent the adjacent arm "lying closely" to one an other and in expansion state of the stent, the adjacent arm more diverge from the hub. "lying closely" does not mean

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the arms have to lay directly contact with one other); each arm being connected, at a transition region, only to an a single arm of an adjacent node, the connected arms of the adjacent nodes defining a link between those nodes.

In regard to claims 2, 4, 5, 7-13, 16-23, 26-29, 35-39 and 44-48 see the illustration of figure 14a attached.

Allowable Subject Matter

4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 35 and 45 are allowed. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose or suggest a S-shaped link.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is (703) 306-3421. The examiner can normally be reached on MULTIFLEX Mon. to Sat.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Milano can be reached on (703) 308-2496. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

(Jackie) Tan-Uyen T. Ho Patent Examiner

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September 8, 2003